



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes

MNR, MND, & FF

Introduction

This hearing dealt with an application by the landlord seeking a monetary claim related to unpaid rent and damage to the rental unit. The tenants were served with notice of this hearing by registered mail on March 4, 2009. I accept the evidence of the landlord that he served the tenants at an address where they currently reside. The landlord stated that he has personally met with the tenants at this address. Pursuant to section 90(a) of the *Act* I deem the tenants as having been served in accordance with the *Act* and I proceeded with the hearing in the absence of the tenants.

Issues to be Determined

Has the landlord established a monetary claim based on non-payment of rent by the tenants? Has the landlord established a monetary claim related to damage to the rental unit caused by the tenants?

Background and Evidence

The landlord was unable to provide an exact date the tenancy began; however, he indicated that the tenancy has been for approximately two and half years. The monthly rent was \$600.00 and no security deposit was required.

The landlord stated that the tenants failed to pay the rent for January 2009 and for February 2009. The landlord stated that on February 2nd or 3rd, 2009 the tenants left something on the stove which caught fire and caused extensive damage to the rental unit. The landlord served the tenants with a 10 day Notice to End Tenancy due to non-payment of rent on February 5, 2009 in person and the tenant's vacated on approximately February 18th, 2009.

The landlord seeks a monetary claim of \$2,250.00 comprises of two months outstanding rent for \$1,200.00, the recovery of the \$1,000.00 insurance deductible due to the fire damage and the recovery of the \$50.00 filling fee paid for this application.

Analysis and Findings

I grant the landlord's application in part. On the evidence provided I find that the landlord has only established a monetary claim for the sum of \$1,250.00 on the basis of non-payment of rent by the tenants. The landlord provided no evidence to establish that he paid an insurance deductible related to a fire and no evidence that the tenants were responsible for the fire.

Although the landlord apparently paid for an investigation, he did not provide a copy of that report. The only evidence I have to establish that the tenants were responsible for the fire is the landlord's oral testimony. I find this is not sufficient, on the balance of probabilities to find that the tenants are responsible for the cost of the insurance deductible.

I grant the landlord a monetary Order for the sum of **\$1,250.00**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord's application has been granted in part and a monetary Order issue due to non-payment of rent by the tenants.

Dated June 02, 2009.

Dispute Resolution Officer